IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.14414 of 2004

Between:

Koduri Umamaheswara Rao, S/o. of Satyam, 42 years,
R/o. Santhoshapuram Village, Kalidindi Mandal, Krishna District.

...PETITIONER

AND

1. The District Collector, Krishna at Machilipatnam.
2. The Revenue Divisional Officer, Gudiwada, Krishna District.
3. The Mandal Revenue Officer, Kalidindi, Kalidindi Mandal, Krishna District.
4. Sri Ankala Bogeswara Rao, S/o. Laxmana Swamy,
   R/o. Santhoshapuram Village, Kalidindi Mandal, Krishna District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particular only one in the nature of writ of Mandamus declaring the action of the respondents 1 to 3 in proposing to evict the petitioner from the assigned lands extent being Ac.1.91 cents in S.No. 295/4 of Santhoshpuram Village, Kalidindi Mandal, Krishna District at the instance of the 4th respondent, is arbitrary and illegal and contrary to the provisions of Order 15 of Board Standing Orders and consequently direct the 3rd respondent not to interfere with the petitioner peaceful possession and enjoyment of the lands.

Counsel for the Petitioner: MR.B.SOMASEKHAR

Counsel for the Respondent Nos.1 to3: GP FOR REVENUE

The Court at the admission stage made the following:

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ORDER:

The petitioner was assigned agricultural dry land admeasuring Acs.1.91 cents in Survey No.295/4 of Santhoshpuram Village, Kalidindi Mandal, in Krishna District by the third respondent. The petitioner alleges that since then he has been cultivating the land. It is alleged that at the behest of the fourth respondent, respondent Nos.1 to 3 are trying to evict the petitioner without following due process of law. Therefore, he seeks declaration that such proposed action of the respondents as illegal and arbitrary.

The action proposed by the Revenue authorities or by executive or an action which is contemplated or planned can not be the subject matter of the Writ Petition, for at that stage, there is no decision as such requiring judicial scrutiny in exercise of extraordinary powers conferred on this Court under the Constitution. Be that as it is, there cannot be any doubt that the Revenue officials have to act within law and in matters of cancellation of patta, they have to necessarily follow the provisions of the A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 or the relevant Board Standing Orders. Unless and until the assignee is put on notice, such assignee cannot be evicted nor can be dispossessed.

The Writ Petition, with the above observations, is dismissed.

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(V.V.S.RAO, J)

16th August 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The District Collector, Krishna at Machilipatnam.
2. The Revenue Divisional Officer, Gudiwada, Krishna District.
3. The Mandal Revenue Officer, Kalidindi, Kalidindi Mandal, Krishna District.
4. Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).
5. Two CD copies.